

## REMARKS

Applicants respectfully request reconsideration and reexamination of the present application in light of the amendments and the remarks below.

Claims 1-6 and 9-12 are pending in this application. Claim 8 was cancelled by Preliminary Amendment (mailed September 26, 2001). Claim 7 has been has been restricted out by the Examiner (Paper No. 1003, page 2), and thus, claim 7 has been cancelled as drawn to non-elected subject matter.

Claim 12 has been amended. These claim amendments are made to clarify the subject matter therein. Therefore, these amendments are submitted in order to place the claims in condition for allowance, and do not disclaim any subject matter to which the Applicants are entitled.

### *Rejection Under 35 U.S.C. § 112, first paragraph*

The Examiner rejected claim 12 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention (Paper No. 1003, pages 2-7).

The Examiner has stated that claim 12 is directed to “a method of treating states of neurodegenerative disorders comprising administering to a mammal an effective amount of a compound according to claim 1, wherein said neurodegenerative disorder is cerebral vasospasm, etc...” and the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with this claim (Paper No. 1003, page 3).

Claim 12 has been amended to clarify the claimed subject matter. The compounds of the present invention are cannabinoid receptor agonists (*see, e.g.*, lines 7-10, page 16 of the specification).

The cannabinoid receptors have been recognized in the art as a realistic target for a number of neurodegenerative disorders because of the localization of these receptors in the central and peripheral nervous system. For example, cannabinoid receptors have been identified in the basal ganglia, an area of the brain important for motor function (*see, e.g.*, Consroe, Neurobiol. Disease, 5:534-551, 1998; a copy is enclosed). As described by Consroe, multiple sclerosis, spasticity, Huntington’s disease, epilepsy, dementia, Alzheimer’s disease, and ischemic conditions are neurological conditions that may be treated by cannabinoid drug therapy (*see, e.g.*, Table 1 and page 545). Furthermore, Williamson, et al., also describes brain trauma, depression, and migraine as therapeutic applications for cannabinoid therapy (Drugs 60:1303-1314, 2000; a copy is enclosed). In addition, Drysdale, et al., summarizes numerous clinical trials and *in vitro* studies of the therapeutic applications of cannabinoids (Curr. Med. Chem. 10:2719-2732, 2003; a copy is enclosed). Thus, the state of the prior art provides a correlation between

the claimed neurodegenerative disorders and the action of a cannabinoid receptor, and moreover supports the therapeutic application of cannabinoid agonists for the claimed neurodegenerative disorders.

Furthermore, one of ordinary skill in the art would appreciate that the compounds of the present invention are cannabinoid receptor agonists, and therefore, these compounds would have therapeutic potential for the claimed neurodegenerative disorders. Thus, one skilled in the art would be able to use the invention commensurate in scope with this claim, that is, using cannabinoid agonists to treat neurodegenerative disorders.

In addition, as described by Drysdale, et al., cannabinoid therapy has been successful in treating numerous neurodegenerative disorders. Therefore, one skilled in the art would predict that the cannabinoid agonists of the present invention could be used to treat the claimed neurodegenerative disorders.

It is thus submitted that the claim 12 meets the requirements of 35 USC § 112, first paragraph, and reconsideration and withdrawal of the present rejection is respectfully requested.

***Information Disclosure Statement***

An Information Disclosure Statement (PTO-1449) has been provided citing the references provided to the Examiner in response to this Office Action.

***Allowable Subject Matter***

Applicants acknowledge that the Examiner has stated that claims 1-6 and 9-11 are allowable over the prior art of record (Paper No. 1003, page 7).

## CONCLUSION

For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application, reconsideration and withdrawal of the present rejections, and entry of the amendments. Should there be any further matter requiring consideration, Examiner Wright is invited to contact the undersigned counsel.

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

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